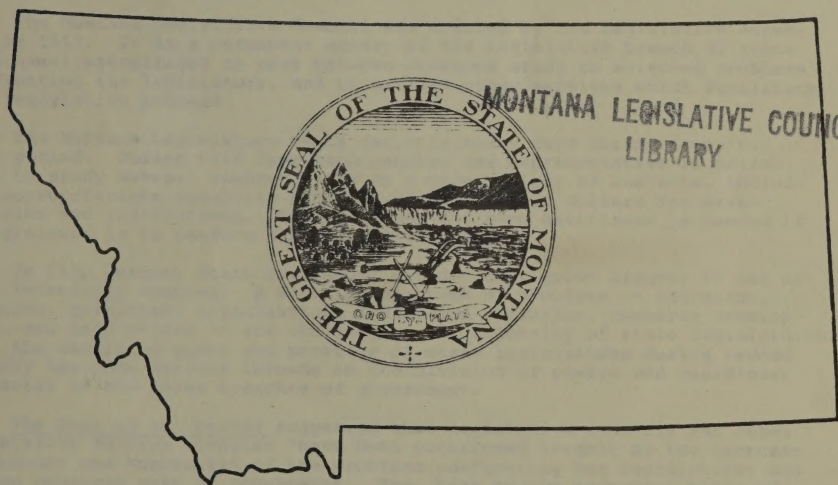


An Introduction to

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THE MONTANA LEGISLATIVE COUNCIL

MONTANA LEGISLATIVE COUNCIL
STATE CAPITOL
HELENA, MONTANA 59601



1971-1972

MONTANA LEGISLATIVE COUNCIL

HOUSE MEMBERS

Francis Bardanouve,
Chairman
Matt Himsl,
Secretary
J. O. Asbjornson
Henry S. Cox
Albert E. Kosena
Hershel M. Robbins

SENATE MEMBERS

Antoinette F. Rosell,
Vice Chairman
Fred G. Carl
Frank W. Hazelbaker
David F. James
P. J. Keenan
Neil J. Lynch

* * * * *

Mrs. Rose Weber
Executive Director
Room 138, State Capitol
Helena, Montana

HISTORY AND BACKGROUND

The Montana Legislative Council was created by the Legislative Assembly in 1957. It is a permanent agency of the legislative branch of state government established to give between-sessions study to selected problems confronting the legislature, and to perform other services which facilitate the legislative process.

The Montana Legislature meets for only sixty days during every two year period. During this time each senator and representative is called upon to study several hundred bills on a wide variety of subjects, including appropriations involving hundreds of millions of dollars for state agencies and institutions. Time is short and some assistance is needed if a legislator is to perform his duty efficiently.

In this century state government has not only grown bigger; it has become incredibly complex. A widening spectrum of problems -- education, taxation, government organization, industrial expansion, resource development, and many others -- are challenging the ingenuity of state legislatures. Yet, the declining power and prestige of state legislatures during recent history has made serious inroads on the division of powers and coordinate character of the three branches of government.

The Book of the States suggested that legislative councils and other legislative service agencies "have been occasioned largely by the increasing number and complexity of the problems confronting our legislatures and by the mounting cost of government. They have become necessary means of enabling the law-making bodies to carry out their responsibilities as a coordinate branch of government, especially since our state legislators typically must divide their time between legislative duties and their customary employment. . . ." The spread of the legislative council idea is characterized in this publication as "the most significant development in the legislative service field during the past thirty years." More than forty states have established legislative councils or council-type agencies.

PURPOSES AND PROGRAMS

The Legislative Council is charged by law with the responsibility to compile, analyze and furnish to the legislature "such information bearing upon any matters relating to existing or prospective legislation as may be determined by it upon its own initiative pertaining to important issues of policy and questions of statewide importance. . . ." The Council is also to present to the legislature "such bills and resolutions as in its opinion the welfare of the state may require. . . ." Other provisions of the act creating the Legislative Council give it authority to investigate and to examine and inspect the records of any agency or institution of state government. The Council also has authority to hold hearings, administer oaths and issue subpoenas.

Under this broad grant of statutory authority the operation of the Legislative Council has gradually evolved into two distinct programs.

Legislative Research

During each interim the Council undertakes a number of major research projects. Usually these studies are assigned by a joint resolution approved during the previous legislative session, although the Council may undertake studies on its own initiative. In conducting interim research the Council does not purport to act for the legislature; its only function is to detect important problems of state government, and submit factual material, conclusions and recommendations for the consideration of the legislature.

The research methods of the Council vary with the nature of the study. In a study of major importance the Council has followed the practice of appointing a subcommittee which assumes primary responsibility of directing staff research. Subcommittees submit their findings, recommendations, and any necessary legislation to the full Council which may reject, amend or accept the reports. All subcommittee reports adopted by the Council are published before the legislative session.

Although the Council staff performs most of the interim research, it does not operate in a vacuum. An important feature of major studies conducted by the Council is the active participation of legislators, advisory groups, and subject matter experts in the successive stages of problem definition, research, and analysis of findings. The formulation of conclusions and recommendations is the exclusive responsibility of legislators serving on the various Council subcommittees.

Since its creation the Council has issued the following major research publications:

1957-58 Interim

- *Legislative Handbook
- *Report No. 1 - Montana State Prison
- *The Administration of Higher Education in Montana
(By G. Homer Durham)
- *General Report No. 1

1959-60 Interim

- *The State Government of Montana (Organization Chart)
- *Report No. 2 - Legislative Procedures
- *Report No. 3 - The Organization and Administration of State Government
- *Report No. 4 - State Lands and Investments
- *Report No. 5 - Higher Education
- *Report No. 6 - Property Taxation in Montana
- *General Report No. 2

1961-62 Interim

- *Bill Drafting Manual for the Montana Legislative Assembly
- Report No. 7 - Executive Reorganization
- *Report No. 8 - Fiscal Control
- *Report No. 9 - State Treasury Fund Structure

1963-64 Interim

- *The State Government of Montana (Organization Chart)
- Report No. 10 - Legislative Rules
- Report No. 11 - Public Official and Employee Bonds -- Fees Collected by State Agencies
- Report No. 12 - Personnel Management
- *Report No. 13 - Administration of State Liquor Monopoly
- Report No. 14 - Investment of Public Funds
- *Report No. 15 - Revision of Laws for the Department of Public Institutions
- *Report No. 16 - Property Taxation and the Montana Property Classification Law

1965-66 Interim

- Report No. 17 - Legislative Fiscal Analysis
- *Report No. 18 - Revision of Public Health Laws -- Revision of Fire Protection Laws
- *Report No. 19 - Professional and Occupational Licensing Boards
- *Report No. 20 - Revision of Laws for Public Schools
- Report No. 21 - Conservancy Districts
- *Report No. 22 - Retirement Systems for Policemen and Firemen
- Report No. 23 - Montana Taxation

1967-68 Interim

- *The State Government of Montana (Organization Chart)
- Report No. 24 - Building Standards -- Election Laws
- *Report No. 25 - The Montana Constitution
- Report No. 26 - Montana Corporation License Tax
- Report No. 27 - State Printing
- Report No. 28 - Vocational Education

1969-70 Interim

- Report No. 29 - Regulation of the Sale and Use of Pesticides -- Pesticide Statewide Laboratory System
- Report No. 30 - Self-Insurance on State-Owned Property

Report No. 31 - Property Taxation -- Right of Entry
 Report No. 32 - Recodification of School Laws
 Elementary & Secondary Education - Higher Education
 Report No. 33 - Administrative Procedures
 Report No. 34 - Local Government
 Report No. 35 - Income Taxation
 Report No. 36 - Board of Railroad Commissioners Ex Officio
 Public Service Commission of Montana
 Report No. 37 - Vietnam Honorarium

Copies of reports marked with an asterisk are not available for distribution.

Studies assigned by the 1971 legislative assembly direct the Council to:

(1) Conduct a study of the state's School Foundation Program structure and compare Montana's formulas with distribution plans in effect in other western states as requested by Extraordinary Session II House Bill No. 37.

(2) Investigate the extent to which statutory restrictions on the powers of municipalities hamper their ability to cope with local problems, and include in the study alternative forms of local government as possible solutions to increasing demands for services being made on municipal governments as directed by House Joint Resolution No. 38 and Senate Resolution No. 36.

(3) Study the feasibility of adopting a "no-fault" automobile insurance plan requested by House Joint Resolution No. 29; examine the justification for and statutory revisions necessary to bring health service corporations under the jurisdiction of the State Commissioner of Insurance as directed by House Resolution No. 20; and study the feasibility and desirability of establishing a self-insurance fund for public school property in Montana as directed by House Joint Resolution No. 23.

(4) Study all programs administered by the state Department of Public Welfare in order to determine if improvements could be made which would better utilize state welfare appropriations while providing better services to persons receiving welfare services; as well as to evaluate salary scales paid Montana's welfare personnel in light of those paid employees holding similar positions in other states as directed by House Joint Resolution No. 1.

(5) Continue a study of rate-making procedures used by the Railroad and Public Service Commission as well as review the organization, procedures, and operation of the Railroad Commission, ex officio Public Service Commission as they relate to current practices used by other states as directed by Senate Resolution No. 25.

(6) Study the feasibility of establishing standard, state-wide guidelines for the construction of elementary and secondary school buildings in Montana as directed by House Joint Resolution No. 50; as well as studying the functions of various state laboratories in an attempt to eliminate any duplication of equipment or responsibility and to consolidate similar laboratory services as requested in Senate Joint Resolution No. 24.

(7) Conduct a study of the programs, courses and degrees offered

within the Montana higher education system in order to isolate any areas of duplication or areas where specialization may be feasible as requested by Senate Joint Resolution No. 9; and evaluate the procedures for the disbursement of state equalization aid to school districts in an attempt to propose alternative methods which would better normalize the cash flows out of the state treasury and into local school district funds as requested by Senate Resolution No. 18.

(8) Conduct a review of the operations of the Montana Water Resources Board aimed at informing the legislative assembly of the functions and responsibilities of the Board. Also included in the study will be a specific review of the state's legal and financial role in various water conservation projects administered by the board as well as a general review of other Water Resources Board programs involved in developing the state water plan as directed by House Resolution No. 32.

In addition to these specific studies, the Council was asked to appoint a subcommittee to function as a liaison between the Office of Executive Reorganization and the legislative assembly which will act in a supervisory capacity in the implementation phase of executive reorganization, as well as assume liaison activities for the Constitutional Convention Commission; review the administration and operation of the Highway Department in cooperation with the Highway Commission as directed by Extraordinary Session I Senate Resolution No. 3; cooperate with the Capitol Building and Planning Committee in developing a plan for the development of future state buildings in the capitol area of Helena; and purchase or lease and install a new sound system and electronic voting system in the House of Representatives chambers as directed by Extraordinary Session I House Bill No. 29.

Legislative Services

Equally important as the major research projects undertaken during the interim are staff services to individual legislators. Although the professional staff is employed by, and operates under the general direction of the Council, the services offered to individual legislators are completely independent of any supervision by Council members.

The Committee on Organization of Legislative Services of the National Legislative Conference concluded that "... to deal intelligently with the many complex problems and issues which come before them, our state legislatures must be equipped with strong, highly qualified staffs. Only thus can the lawmakers obtain the relevant facts which they need; only thus can they undertake studies and conduct inquiries into pressing social and economic problems; only thus can they formulate programs and enact sound legislation. In no other way, given the complex setting of the mid-twentieth century, can our legislatures retain status coordinate with the executive and judicial branches of state government. . . ."

On request, the staff will prepare impartial factual reports on various topics of interest to any member of the legislature. Such requests often ask for detailed information on the operation of a particular state agency, and sometimes involve gathering comparative information on what other states are doing on a particular subject. All requests by legislators for "spot research" work of this nature, and the responses to such requests, are kept strictly confidential.

As an aid in performing such research, a legislative reference library containing thousands of books, pamphlets, and reports relating to the operation of state government is maintained in the Council offices. Through exchange agreements, reports are received from other legislative service agencies and from about one hundred research organizations -- both private and those associated with universities. Listings of major studies underway and recent publications on government problems are received regularly from the federal government, states, and private organizations. The Council also subscribes to a number of periodicals. From these sources, it is often possible to answer immediately legislators' questions on such subjects as business, agriculture, taxation, education, and many others. If not, the extensive collection of bibliographies often indicates that the information can be obtained from other libraries through loan agreements.

Another important and popular staff service to individual legislators is the Council's bill drafting service. The Council staff, within limitations of time and personnel, drafts bills on any subject for any member of the legislature. During the two months preceding the legislative session and during the eighteen-day period of introduction of bills, the entire Council staff devotes most of its time to drafting of legislation requested by individual members. The bill drafting service was inaugurated in 1959. During the 1971 session, more than 850 bills were drafted by the Council staff.

MEMBERSHIP AND COMMITTEES

The Legislative Council consists of six members of the House of Representatives appointed by the Speaker, and six members of the Senate appointed by the Committee on Committees. The law requires that no more than three members of each house be of the same political party, so the membership of the Council is always strictly bi-partisan. Membership on the Council ends with the termination of each member's term of office or on December 31 of the year following the year in which the appointment was made, whichever first occurs. A vacancy occurring on the Council when the legislature is not in session is filled by the remaining members of the Council. Members serve without pay, attending Council or subcommittee meetings.

The law creating the Council provides that it shall elect one of its members as chairman and such other officers as may be desirable. The Council is also empowered to appoint special committees composed of other legislators, or private citizens, or both, to study and inquire into any specific governmental problems. To secure the advice of as many legislators as possible, the Council has traditionally arranged for the appointment of non-Council member legislators to its subcommittees. To conduct the 11 studies assigned to it by the legislature during the current interim, 11 subcommittees comprised of 78 members of the legislature have been appointed.

The Council also utilizes the services of faculty members of the University system and officers and employees of other state agencies.

The following subcommittees have been created by the 1971-72 Council:

Executive Reorganization

Rep. Francis Bardanouve,
Chairman
Sen. G. W. Deschamps,
Vice Chairman
Sen. John C. Sheehy
Sen. George Siderius
Sen. Stan Stephens
Rep. Larry Fasbender
Rep. Art Lund
Rep. Gary Marbut

Home Rule

Rep. Henry S. Cox,
Chairman
Sen. P. J. Keenan,
Vice Chairman
Sen. B. J. Goodheart
Sen. Gordon McOmber
Rep. George T. Bennett
Rep. William R. Campbell
Rep. Harold A. McGrath
Rep. Hershel M. Robbins

Insurance

Sen. Neil J. Lynch,
Chairman
Rep. Miles L. Swan,
Vice Chairman
Sen. Glen L. Drake
Sen. Gordon McGowan
Rep. Harrison G. Fagg
Rep. Robert E. Lee
Rep. Keith T. Nelstead
Rep. Everett M. Snortland
Rep. Thomas E. Towe

School Construction - Laboratories

Sen. Fred G. Carl,
Chairman
Sen. William F. Hafferman,
Vice Chairman
Sen. W. F. Bennett
Rep. D. L. Knudsen
Rep. Terry L. Murphy
Rep. Lloyd C. Lockrem
Rep. Joe Quilici
Rep. Tom Selstad

University - School Equalization

Rep. Matt Himsl,
Chairman
Sen. Antoinette Rosell,
Vice Chairman
Sen. William H. Bertsche
Sen. Frank W. Hazelbaker
Sen. William R. Mackay
Rep. Jack Gunderson
Rep. Arthur Sheldon
Rep. Bill Warfield

Public Welfare

Sen. David F. James,
Chairman
Rep. Vic East,
Vice Chairman
Sen. William R. Lowe
Sen. John L. McKeon
Sen. Stanley Nees
Rep. Gary Giesick
Rep. Nels Hemstad
Rep. Gorham E. Swanberg

Water Resources Board

Rep. Albert E. Kosena,
Chairman
Sen. Earl Moritz,
Vice Chairman
Sen. W. A. Goff
Sen. Dave M. Manning
Sen. Jean A. Turnage
Rep. Robert M. Anderson
Rep. Tom Clemow
Rep. Bruce W. Lanthorn
Rep. Pat McKittrick

School Foundation Program

Rep. J. O. Asbjornson,
Chairman
Rep. Leland Schoonover,
Vice Chairman
Sen. P. J. Gilfeather
Sen. Paul F. Boylan
Sen. Glen T. Rugg
Rep. Dick Forester
Rep. Oscar Kvaalen
Rep. Dan Yardley

Highway Interim

Sen. Carroll A. Graham,
Chairman
Rep. Kenneth Wolf,
Vice Chairman
Sen. Fred O. Broeder
Rep. Robert C. Prevost

Railroad Commission

Sen. Gordon Bollinger,
Chairman
Rep. Robert E. Glennen,
Vice Chairman
Sen. W. R. Lowe
Rep. Harold McGrath

Roll Call and Sound System

Sen. P. J. Keenan,
Chairman
Rep. J. O. Asbjornson
Rep. Matt Himsl
Rep. Hershel M. Robbins

Capitol Building Complex

Rep. Robert L. Marks,
Chairman
Rep. Walter Laas
Sen. Percy DeWolfe
Sen. Glen L. Drake

Legislative Modernization

Sen. Frank W. Hazelbaker,
Chairman
Sen. David F. James
Rep. Matt Himsl
Rep. Al Kosena

R U L E S O F P R O C E D U R E

The Council is empowered by law to adopt rules of procedure and make all arrangements for its meetings. Complete minutes are maintained and are open to inspection by any member of the legislature. The following rules have been adopted by the Council:

RULES OF PROCEDURE
1971-1972

RULE I

Each legislative council shall determine the rules of its proceedings.

RULE II

Regular meetings of the legislative council shall be held on the third Monday of each month at 10:00 A.M. in the Capitol Building, Helena, Montana, unless otherwise ordered by a majority of members at a previous meeting. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the chairman on at least ten (10) days notice to the members. Subcommittee meetings may be called at any time convenient to the subcommittee members and on call of the subcommittee chairman.

RULE III

All meetings of the legislative council, or any subcommittee thereof, shall be conducted under the established rules of the senate of the state of Montana as to quorums and parliamentary procedure as applicable.

RULE IV

Special committees or subcommittees shall be established by appointment of the chairman of the council by and with the approval of the majority of the council present and voting at any regular or special meeting. Membership of all committees shall be of an equal number of both political parties. All subcommittees shall be chaired by a member of the council. Any study or project adopted by the council which requires the expenditure of council funds, shall be under the jurisdiction and control of the council. Any task force, study group, or consultant designated to serve with or under a subcommittee or the council on any project, shall be subject to all legislative council rules. Any member of a subcommittee of the Legislative Council that misses two consecutive meetings may be relieved of his duties.

RULE V

Subjects studied may be presented by a member of the legislative assembly in writing on the prescribed form. Joint resolutions of the Montana Legislative Assembly and simple resolutions adopted by a joint committee of the legislative assembly shall have priority over all other proposals.

RULE VI

Subject matter to be studied shall become a mandate of council action upon adoption by nine members of the council. Final recommendations to the legislative assembly shall be with the approval of not less than nine members of the council.

RULE VII

The council staff shall assist individual members of the legislative assembly on request by compiling and analyzing material relating to state government. Such research may not exceed two man-days of work without the consent of the council. This limitation shall not apply to the council's bill drafting service during and immediately preceding a legislative session.

RULE VIII

Subject to the approval of the council, the executive director may engage necessary stenographic, clerical and other assistance for the operation of the council and its committees.

RULE IX

The minutes of all regular and special meetings shall be mailed to each member of the council as soon as possible after each meeting.

RULE X

A subcommittee shall make a progress report on all matters referred to it not later than the next monthly meeting of the council. In case a subcommittee report presents the final recommendation of the subcommittee on any proposal, such proposal shall then be considered by the entire council. When a subcommittee reports progress, the chairman or member thereof may read or explain the report, and the council may immediately consider the information, facts, and opinions presented in the report and may instruct the committee regarding its further consideration of the proposal. Progress reports shall be of such a nature as to inform other members of the council of the problems involved and the possible solutions which might be considered.

RULE XI

Claims and requisitions up to \$100, payrolls and routine claims in excess of \$100 may be approved by the executive director; all other claims and requisitions must be approved by the chairman of the council.

RULE XII

All meetings shall be open to the public except when in executive session.

RULE XIII

Subcommittee chairmen may issue publicity and news releases on behalf of the subcommittee. Subcommittee chairmen shall exercise caution to insure that the publicity and news releases are not construed as applying to the council. All publicity, and news releases on behalf of the council, shall be made by the chairman of the council.

RULE XIV

Alteration, suspension or amendment of these rules may be by vote of nine members of the council.

Montana State Library



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IVE COUNCIL

CAPITOL

HELENA, MONTANA 59601